

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 17, 2016 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa J. Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of October 11, 2016, reported having done so, found same correct.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING

APPLICATION OF MESAL ENTERPRISES, LLC DBA ON THE GO FOR A CLASS D LIQUOR LICENSE AT 5240 SOUTH 48TH STREET;
MANAGER APPLICATION OF MATTHEW D. ALESIO FOR MESAL ENTERPRISES, LLC DBA ON THE GO AT 5240 SOUTH 48TH STREET - Matthew Alesio, 335 Dale Drive, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

MANAGER APPLICATION OF ASHLEY R. LANGENBERG FOR TRIPLE D, LLC DBA DINO'S EASTSIDE GRILLE AT 2901 SOUTH 84TH STREET, SUITE 16 - Ashley Langenberg, 3050 S. 72nd Street, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPROVING THE AMENDED AND RESTATED ARTICLES OF INCORPORATION AND BYLAWS FOR DISTRICT ENERGY CORPORATION - Bill Austin, Baylor, Evnen, Curtiss, Gruit & Witt LLP, 1248 O Street, came forward and explained the DEC is a corporation and an interlocal agency that provides heating and cooling services to a variety of governmental buildings. As a result of a recent master planning effort, the board concluded that it would be appropriate to attempt to amend the bylaws and the articles. This was an effort to allow the possible private sale of energy, not only to corporations, but to private entities within the bounds of the district, and utilized excess capacity that currently exists within the facilities of the DEC. The change also contains a number of updates which have not been amended or revised since 1992.

Carl Eskridge, Council Member, asked for clarification as to why this change would be an advantage for business and existing users of the district energy.

Jason Fortik, Power Supply Manager for Lincoln Electric System, came forward and explained these are thermal services and the DEC provides hot and cold water along with steam services. This is separate from any electrical services that LES might provide. One of the biggest benefits could be providing services to a larger customer base. Equipment can be operated more efficiently, and there would be more customers to spread the fixed costs of the assets. Generally, this means they could provide a higher level of service with a lower cost to the whole customer base.

Leirion Gaylor Baird, Council Chair, asked if we could expect some of the costs to public buildings, such as the Arena, to be lower as more customers came into the system.

Mr. Fortik confirmed that is not a claim that he can make directly, but it would certainly put downward pressure on costs that the existing customer base has. However, there are a number of other things that come into play when setting rates, but there would be downward pressure compared to what there currently is.

Ms. Gaylor Baird asked if the rates were the same for public and private customers.

Mr. Fortik shared there is a distinction to be made with some of the customers in the West Haymarket area. The DEC only serves the Joint Public Agency, similar for state facilities, and the County/City facility which are just governmental entities. The Joint Public Agency then sets rates for the West Haymarket customers.

Jon Camp, Council Member, explained there is district energy that provides equipment to generate the thermal and chill water depending on which location it is. There is excess capacity and the ability to add more units to produce the heating and cooling at a lesser cost, which helps everybody. In the past, this service has been limited to governmental entities, now within certain constraints some additional business. This can help the DEC, governmental entities and some private sector.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE VICTORY PARK – VA CAMPUS REDEVELOPMENT

AGREEMENT (RESOLUTION NO. A-89264, AMENDED BY RESOLUTION NO. A-89435) TO ADJUST DETAILS RELATED TO THE PHASING AND IMPLEMENTATION DATES CONTAINED IN THE REDEVELOPMENT AGREEMENT. (REQUEST TO CONTINUE PUBLIC HEARING TO 10/17/16) (10/3/16 - PUBLIC HEARING AND ACTION CONT'D TO 10/17/16, 7-0) - David Landis, Director of Urban Development, came forward and shared 2 things have changed since the last time this item came in front of Council. One, the Veterans Administration changed the oversight of this project at the Washington level, and introduced a number of changes to the Extended Use Lease that was being looked at. The lease has now been signed with the changes, but threw Urban Development off on their time frame. The second change is the change in leadership to Burlington Capital, and the original contract and TIF agreement does not conform with their thinking on the risk they are prepared to take. Burlington Capital is consistent with what Council acted on last year in regards to the clinic on this location. When looking at the entire build out with all the different phases, they remain committed to completing all those elements as if the clinic is in place. However, if the clinic is not in place, and is chosen to be at one of the other six locations in the Lincoln area, Burlington Capital would like to be free to make the decision on what risks they are willing to take under those circumstances. The City will then have the same opportunity to decide at that point what will occur. Previously, the option was to complete the full build out whether the clinic came or not. Overall, the date changed, the contingency of the clinic changed, and the TIF amount was altered, which is now at \$7.6 million. The allocation of how that will be done is slightly different: the VASH housing, which is a priority, and needs to begin on or before October 31, 2016, will utilize about \$320,000.00. Following that, will be the money for the clinic which is \$2.8 million. There is \$200,000.00 stipulated giving the City the option to move Aging Partners to this location. There is always costs that is unanticipated, and to make sure that there is protection against any general fund implication, there is \$200,000.00 of TIF set aside for that purpose. The City will keep almost 7% of TIF for anything that can occur when developing a large parcel of 63 acres. This would be used for things such as significant roads, sewer, water implications, street design, and pedestrian lighting. The City has the option to decide how those funds will be used. The money has to be used for a public benefit, but those benefits can be analyzed as the project develops. The remaining money will be for the rest of the build out. This will consist of 3 apartment buildings, 42 units a piece with a total of 126 units, a 3 story 70 unit market rate housing, 7 fourplexes with 28 units, the hospital with 115 housing units, and two 35 foot medical buildings.

Clerk stated that for the record, we received an email from Judy Norkiewicz, 7020 S. Wedgewood Drive, in opposition.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, came forward representing the development team and shared that over 5 years ago the Veterans Administration chose the early generation of the development team to be the developers of record on a 75 year lease for the campus. The 75 year lease should have been finalized last year after 4 years of negotiations, but the VA chose to change their leadership which raised about 100 new issues last September. The lease was finally approved this past August. Meanwhile, last year, Council was asked to approve the City part in the project. After 5 public hearings there was a redeployment plan, change of zone, a PUD, a site plan, redevelopment agreement, and a first amendment to the redevelopment agreement. When the VA finally signed the lease that was agreed upon, there were changes that were made that Council did not approve. Months have been spent with administration trying to get the approved agreement and the agreement the VA signed to coincide with one another. The parties have agreed on a final agreement and that is what Council now needs to approve. There are currently deadlines with the lenders and the Federal Partners to begin ventricle construction by the end of October, 2016. The first phase that is to begin is the VASH housing, also known as the Veteran Affairs Supporting Housing, which is 70 units for homeless veterans. There are many layers of financing to put in place by the end of October, 2016. Construction financing is the second aspect to deal with. NIFA, low income tax credits, and the Urban Development housing vouchers all have to come together at the same time to help with the funding. With all the work and deadlines that need to be made, Council needs to approve this item so everything can stay on schedule. The development team did meet with Ms. Norkiewicz regarding her concerns, but seem to have been unsuccessful in their efforts. Ms. Norkiewicz's concern is the VA has not given a time line on the clinic being built. The developers share the same concern, and because of this the developers have had to put in place the unwind clause. With the unwind clause, there could be a possibility that the project does not move forward. In the event that happens, there are a few things that need to happen for the total unwind to occur if the rest of the project does not occur. First thing that has to happen is the VA decides to put the clinic in one of their other locations. If they decided to do that, there would be further negotiations between the VA and Burlington Capital to figure out how to go forward without having the clinic. The third thing is if Burlington Capital elects to unwind, the Senior Foundation has the option to find another developer to build the project without the clinic. If those three things happen, and the seniors elect to the second unwind then the project would go back to the VA. If Council does not approve the project, they cannot move forward and they will not have the TIF which will not give enough funding. If the project is not approved the VA will then take the project back and board it up like they have done in the past. By going forward, the developers feel they are eliminating a lot of uncertainty. The new amendment changes 5% of the documents that Council previously approved. The federal law that allows this to come in front of Council has expired. The only law the VA has to unload the campus is if they want to try to develop a support housing for the homeless, at risk veterans and their families. It is not likely that 68 acres of that type of housing is viable to another developer, so it is important to cross the finish line with this project. Letters were sent to the neighborhood asking them to come to a briefing on October 25, 2016 at 5:30 p.m. This is set up to continue to communicate with the neighbors and to answer any questions they might have.

Trent Fellers, Council Members, asked with this new agreement, the only thing that has changed is that there are now exit clauses in place should unknown things happen down the line.

Mr. Seacrest said that exit clause is really the only thing that has changed. The site plan that is some of the neighbors concern has not changed at all.

Mr. Fellers stated if things fell through, the VASH would still go through, and while other parts of the campus might not be developed there would still be some housing there as a phase 1, and however things transpire following that would determine how the other phases come forward after that. Which is fully in the plan that Council previously approved.

Mr. Seacrest confirmed that to be correct.

Cyndi Lamm, Council Member, asked with going forward with the VASH housing would that increase the chances of the clinic being placed at this location.

Mr. Seacrest shared he personally believes the VASH housing will very much so increase those chances. This location is the sacred campus for the veterans of this community and of the State. Putting the VASH housing closer to the clinic would provide better service to the veterans.

Ms. Lamm inquired about the time frame to which the VA might make a decision regarding the clinic.

Mr. Seacrest stated there is a long history regarding the clinic, which was supposed to be built by the developers, and the VA decided to split that. There has been a drop dead date of December 31, 2019 put in place. This gives optimism that the VA will send out the next step to go from 7 sites down to 1 site then proceed with negotiations. Hopefully their decision will be made in 2017.

Carl Eskridge, Council Member, asked if there was anything substantially or materialistically different than what was approved last year by Council.

Mr. Seacrest advised the biggest material change is that from the developers point of view. The unwind clause was needed because it is in the 75 year lease and was not part of the last agreement. This was not consistent with saying they could unwind from the Federal standpoint, but continue to say they would complete the full project. There are a few other minor changes that some people might consider material and others might not see them as material changes. Discussion followed.

Keith Fickencher, 5400 Carlisle Court, came forward in support.

This matter was taken under advisement.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 404 MORMON TRAIL, 3130 POTTER STREET. (10/3/16 - ACTION ON 404 MORMON TRAIL & 3130 POTTER STREET DELAYED FOR 2 WEEKS WITH CONTINUED PUBLIC HEARING TO 10/17/16) - Judy Halstead, Lincoln Lancaster Health Department, came forward and explained 3130 Potter Street had inspections on April 18th, April 29th, and May 3rd, information was also mailed to the owner on April 18th. A return envelope was received with a different address that was resent on April 26th. The new letter was sent certified and was signed by the owner on May 5th. The abatement was then conducted on May 9th. The owner stated he thought he had tenants that cleaned up the property. The Health Department has a process of sending out a notice asking that the property be cleaned up. If the property is not cleaned up, the City contracts with Paragon Refuse for them to clean up property. There is an inspector on site who supervises before and after cleaning. The original complaint was from LPD stating the garbage was initially left in the right-of-way for a couple of consecutive weeks and there were concerns about rodents along with some appliances that were left. The cost for Paragon is \$125.00. There is a Health Department charge of \$27.00 per visit and 3 visits were made to that property. There is a supervisor time of \$12.65 and administrative clearing cost of \$96.15. This totals to \$314.80 for the abatement. There was a fire at this property since the last hearing. There are 2 buildings located on that same parcel and the material that was removed from the right-of-way was located between the two parcels. It was reported that a juvenile ignited some litter on the side of the house. The costs still to date have not been paid. The residence at 404 Mormon Trail has a long history with inspection dates of December 8th, December 21st, January 4th, January 15th, February 16th, February 29th, March 14th, and March 18th. The property owner of record is Marilyn Widick. She was notified by certified mail on December 15th and it was signed Marilyn Hedrick. A second certified letter was sent that was not claimed. The abatement was conducted on March 18th. There were 8 staff visits, supervisor time was \$25.30, administrative clearing costs were \$96.15, Paragon was \$85.00, with a total of \$422.45. There were 74 calls to animal control regarding the property. That includes trapping and removing 39 cats, the 5 cats the property owner owns are not current with license and rabies, 29 calls were at the request of the property owner to help trap and remove those cats.

This matter was taken under advisement.

CHANGE OF ZONE 16024 – APPLICATION OF LEIGHTON AVE. SHOPPING CENTER, LC FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT AND R-6 RESIDENTIAL DISTRICT TO B-3 PLANNED UNIT DEVELOPMENT DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 16-95, 16R-219);
COMP. PLAN CONFORMANCE 16006 – APPROVING AN AMENDMENT TO THE UNIVERSITY PLACE REDEVELOPMENT PLAN TO ADD THE “48TH & LEIGHTON MIXED-USE REDEVELOPMENT PROJECT” TO REDEVELOP THREE UNDERUTILIZED PARCELS WITH EXISTING SURFACE PARKING LOTS AND DETERIORATING STRUCTURES INTO A MIXED-USE DEVELOPMENT INCLUDING MARKET-RATE RESIDENTIAL UNITS AND FIRST FLOOR COMMERCIAL SPACE, ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET AND LEIGHTON AVENUE.

(RELATED ITEMS: 16-95, 16R-219) (ACTION DATE: 10/24) - David Landis, Urban Development Director, came forward and shared the shopping mall on 48th and Leighton has grown older and is used less now. A developer in Omaha saw opportunity and has found a way to move that property forward. Today's action is an amendment to the University Place Redevelopment Plan. When there is a change in the plan and a clearer vision of what is being expected, there is an amendment, which first goes to the Planning Commission that acted unanimously in this case. It then goes to the Urban Design Committee who also acted unanimously with its approval. The projected goal is a 5 story building and a separate 4 story building in phase 1. They would combine and have 148 market residential housing units, and approximately 28,000 square foot commercial space on the first floor. This would allow for retail and office use. Partial demolition of an existing building would take place. Phase 2 is likely to include additional mixed use buildings. The project consists of landscaping with a pedestrian friendly approach that include pedestrian walkways. There will be connections to the neighborhood on 47th and 46th Street. There was a neighborhood meeting on September 13th, which occurred before the Planning Commission. It is fair to say the neighborhood appeared excited to have a project like this in the area. The total investment projected in the area are \$31 million in private sector investment and about \$5 million in TIF.

Cyndi Lamm, Council Member, inquired about the partial demolition and what buildings will be demolished.

Mr. Landis stated the old Hy-Vee building will be demolished and all other buildings surrounding that area will stay in place.

Tom Huston, 233 S. 13th Street, appeared on behalf of 48th and Leighton 1 LLC, and stated the Planned Unit Development seeks to consolidate the zoning from a B3 and R6 to a B3 Planned Unit Development. The Comprehensive Plan envisions this site as commercial and residential. The surrounding buildings that will remain will stay in place until phase 2 of the project in the future, which is yet to be determined. The Comprehensive Plan encourages the targeting of under-developed property. This project will have a vertical mix of residential and commercial uses. This project tries to conform with the Downtown design standards retaining orientation to the public use of Leighton Street. The plan would be to complete demolition this Fall and start with the surcharge. This area does have to come out of the flood plane so there will be some additional site work required. A surcharge will be in place this Fall and possible ventricle construction starting as soon as weather permits in Spring, 2017. The driveway that will be placed in the project can also be used for festivals and events such as Farmers Market.

Jon Camp, Council Member, asked if the skywalk is an extension of 47th Street.

Mr. Huston stated the skywalk will be adjacent to 47th Street. The skywalk will be there to connect both buildings. There will be a fitness center in the south building, the leasing area in the north building, and parking will be on the north side of the building. For tenant convenience the skywalk will be added.

Trent Fellers, Council Member, asked if Risky's and Salvation Army will still remain, along with the mini strip mall closest to 48th Street.

Mr. Huston confirmed all those buildings will remain while phase 1 is being built.

Chris Erickson, City Ventures, 905 Leavenworth Street, Omaha, applicant, came forward and stated the first piece of this project was crafted to replace only Hy-Vee. With that goal they have worked around the existing tenants. City Ventures purchased the property about 2 years ago. Since then, they placed a new Dominoes Pizza in the strip mall closest to 48th. There is a remaining vacancy, but they have chosen not to lease that space yet because the restaurant/dining use is the target for that vacant space. Risky's and Family Dollar will stay and some of those leases are still in place for another 5 -10 years. The goal is to work with both those tenants throughout the process.

Carl Eskridge, Council Member, asked in terms of Hy-Vee's lease, what can or cannot be done in that space.

Mr. Erickson shared he would have to look further at the termination agreement but, in general terms he thinks Hy-Vee's lease had the potential to extend for another 20 years, which could limit the use of that space. From them, maintaining the lease, they might have backfilled it with a lesser big box tenant. City Ventures felt it was in the best interest of the neighborhood and for them if they came forward with a more progressive plan for the neighborhood. Discussions then followed with Hy-Vee about what it would take to terminate the lease they were going to maintain over the next 20 years. Throughout that process, they came up with an arrangement that does put some restrictions on the project. There is still some potential for grocery use on the property and there is also an expiration to it. There have been plenty of discussions with the neighborhood and they have gotten a lot of feed back from the community about wanting another grocery store in the neighborhood. They are very sympathetic towards that, but feel there are other unmet needs in that area and this project is designed to start filling some of those needs.

Mr. Huston noted that City Ventures has met plenty of times with UPCO and they did support the project at the Planning Commission.

Leirion Gaylor Baird, Council Chair, asked what attracted City Ventures to this site.

Mr. Erickson shared that they felt this property was an undervalued asset and were able to purchase the property a couple of years ago. This appeared as a undeserved market. This is looked at as market rate housing, and will house some students, but not solely student housing. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 21, 2016, AT ~~3:00~~ 5:30 P.M. ON THE ASSESSMENTS FOR THE DOWNTOWN, DOWNTOWN CORE OVERLAY & DOWNTOWN MAINTENANCE BUSINESS IMPROVEMENT DISTRICTS AND THE WEST HAYMARKET/ DOWNTOWN MAINTENANCE, MANAGEMENT, AND CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICTS - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90025 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the City Clerk be and she is hereby instructed to give ten days notice by publication according to law that the City Council will, at a regular meeting to be held on the Monday, October 31, 2016, at 3:00 P.M., assess the improvements in the following special assessment districts:

Downtown Business Improvements District
Core Business Improvement District
Downtown Maintenance District
West Haymarket/Downtown Maintenance District
West Haymarket/Downtown Management District
West Haymarket/Downtown Core Management Business Improvement District

BE IT FURTHER RESOLVED that the City Council will sit as a Board of Equalization for the purpose of distributing said tax and equalizing said assessments on Monday, November 21, 2016, at 5:30 p.m. with adjournments from day to day until said work of equalizing said assessments are completed.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MAYOR'S VETO MESSAGE ON RESOLUTION A-90023 - APPROVING THE 2016-2017 CITY TAX RATE OF 0.32194 PER \$100.00 OF ASSESSED VALUATION - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-2)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON SEPTEMBER 26, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON OCTOBER 5, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED AUGUST 31, 2016 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90026 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That during the month ended August 31, 2016 \$174,767.85 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rate basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF SEPTEMBER, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF AUGUST, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

LINCOLN ELECTRIC SYSTEM FINANCIAL AND OPERATING STATEMENT FOR AUGUST, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(40)**

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 31, 2016 AT 3:00 P.M. ON THE APPLICATION OF BLINK RESTAURANTS INC. DBA CULINARY UNDERGROUND FOR A CLASS C LIQUOR LICENSE AT 728 Q STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

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A-90027 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 31, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Blink Restaurants Inc. dba Culinary Underground for a Class C Liquor License at 728 Q Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 31, 2016 AT 3:00 P.M. ON THE APPLICATION OF LETICIA MARTINEZ AND MANUEL ALVAREZ CASTRUITA DBA TIA LETY'S RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 2701 N. 27TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90028 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 31, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Leticia Martinez and Manuel Alvarez Castruita dba Tia Lety's Restaurant for a Class I Liquor License at 2701 N. 27th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 31, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF KAREN R. GRAY FOR DANMAC INC. DBA THE KEG AT 104 N. 20TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90029 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 31, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Karen R. Gray for Danmac Inc. dba The Keg at 104 N. 20th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 16050, to Special Permit Nos. 204 and 204A, Christian Record Services, approved by the Planning Director on October 5, 2016, to rescind Special Permit No. 204 and 204A, generally located at 4444S. 52nd Street.

Administrative Amendment No. 16061, to Wyuka 8th Addition Final Plat, approved by the Planning Director on October 4, 2016, to accept the Affidavit of Surveyor to correct typographical errors on the Final Plat, generally located at N. 45th and Vine Streets.

Administrative Amendment No. 16064, to Use Permit No. 112, Urology PC, approved by the Planning Director on October 4, 2016, to add 23 parking stalls to the existing lot and revise the landscape plan accordingly, generally located at S. 56th Street and Pine Lake Road

LIQUOR RESOLUTIONS

APPLICATION OF MESAL ENTERPRISES, LLC DBA ON THE GO FOR A CLASS D LIQUOR LICENSE AT 5240 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90030 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of MESAL Enterprises, LLC dba On the Go for a Class "D" liquor license at 5240 South 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF MATTHEW D. ALESIO FOR MESAL ENTERPRISES, LLC DBA ON THE GO AT 5240 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90031 WHEREAS, MESAL Enterprises, LLC dba On the Go located at 5240 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Matthew D. Alesio be named manager;

WHEREAS, Matthew D. Alesio appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Matthew D. Alesio be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF COURTNEY P. RENTFRO FOR CEC ENTERTAINMENT, INC. DBA CHUCK E CHEESE #568 AT 221 NORTH 66TH STREET - CLERK stated applicant withdrew her application, no further Action by Council needed.

MANAGER APPLICATION OF ASHLEY R. LANGENBERG FOR TRIPLE D, LLC DBA DINO'S EASTSIDE GRILLE AT 2901 SOUTH 84TH STREET, SUITE 16 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90032 WHEREAS, Triple D, LLC dba Dino's Eastside Grille located at 2901 South 84th Street, Suite 16, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Ashley R. Langenberg be named manager;

WHEREAS, Ashley R. Langenberg appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Ashley R. Langenberg be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

APPROVING THE AMENDED AND RESTATED ARTICLES OF INCORPORATION AND BYLAWS FOR DISTRICT ENERGY CORPORATION - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90033 WHEREAS, the City has, since 1992, created and participated in the District Energy Corporation ("DEC") to provide district heating and cooling services to various governmental buildings in Lincoln and Lancaster County; and

WHEREAS, it has now been deemed appropriate to modify the structure and operation of the District Energy Corporation in order to serve potential private customers using the excess capacity for heating and cooling from the various facilities that it operates on behalf of governmental entities; and

WHEREAS, it is appropriate to update and modernize the Articles of Incorporation and Bylaws by amending its governing Articles of Incorporation and Bylaws to make it clear that this sort of expanded service is within the power and authority of the DEC to provide; and

WHEREAS, the Articles of Incorporation and Bylaws of the District Energy Corporation provides that no amendment to the Articles of Incorporation and Bylaws shall be effective without having been first submitted to and having received the approval of the City Council of the City of Lincoln, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the "Amended and Restated Articles of Incorporation and Bylaws of the District Energy Corporation" which are attached hereto, marked as Attachment "A" and made a part hereof by reference, are hereby approved.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING AN AMENDMENT TO THE VICTORY PARK – VA CAMPUS REDEVELOPMENT AGREEMENT (RESOLUTION NO. A-89264, AMENDED BY RESOLUTION NO. A-89435) TO ADJUST DETAILS RELATED TO THE PHASING AND IMPLEMENTATION DATES CONTAINED IN THE REDEVELOPMENT AGREEMENT. (REQUEST TO CONTINUE PUBLIC HEARING TO 10/17/16) (10/3/16 - PUBLIC HEARING AND ACTION CONT'D TO 10/17/16, 7-0) - PRIOR to reading:

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ESKRIDGE Moved to Amend Bill No. 16R-214 by replacing Exhibit C of the Second Amendment and Restatement of the City of Lincoln Redevelopment Agreement (Victory Park-VA Campus) which is attached to the resolution, with the map attached hereto and marked Exhibit C.

Seconded by Christensen & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90034 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Amendment No. 2 to the Redevelopment Agreement for Victory Park - VA Campus among the City of Lincoln, Seniors Foundation VA Vision, LLC, and Victory Park, LLC, amending the Redevelopment Agreement approved by Resolution No. A-89264, and amended by Resolution No. 89435, to adjust details related to the phasing and implementation dates contained in the redevelopment agreement, is hereby approved and accepted and the Mayor is authorized to execute said Amendment No. 2 to the Redevelopment Agreement on behalf of the City.

The City Clerk is directed to return two fully executed copies of the Amendment to Wynn Hjermstad for transmittal to Seniors Foundation VA Vision, LLC and Victory Park, LLC.

Introduced by Cyndi Lamm

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 404 MORMON TRAIL, 3130 POTTER STREET. (10/3/16 - ACTION ON 404 MORMON TRAIL & 3130 POTTER STREET DELAYED FOR 2 WEEKS WITH CONTINUED PUBLIC HEARING TO 10/17/16) - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90035 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the nuisance abatement costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2016 and draw interest as provided for in Neb. Rev. Stat. § 45-104.01 for assessments.

Introduced by Cyndi Lamm

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

CHANGE OF ZONE 16024 – APPLICATION OF LEIGHTON AVE. SHOPPING CENTER, LC FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT AND R-6 RESIDENTIAL DISTRICT TO B-3 PLANNED UNIT DEVELOPMENT DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 16-95, 16R-219) - CLERK read an ordinance, introduced by Jane Raybould, an ordinance amending the Lincoln Zoning District Maps attached to and made a part of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

COMP. PLAN CONFORMANCE 16006 – APPROVING AN AMENDMENT TO THE UNIVERSITY PLACE REDEVELOPMENT PLAN TO ADD THE “48TH & LEIGHTON MIXED-USE REDEVELOPMENT PROJECT” TO REDEVELOP THREE UNDERUTILIZED PARCELS WITH EXISTING SURFACE PARKING LOTS AND DETERIORATING STRUCTURES INTO A MIXED-USE DEVELOPMENT INCLUDING MARKET-RATE RESIDENTIAL UNITS AND FIRST FLOOR COMMERCIAL SPACE, ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 16-95, 16R-219) (ACTION DATE: 10/24)

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

CREATING ALLEY RE-PAVING DISTRICT NO. 50 FROM 16TH TO 17TH STREET BETWEEN G AND H STREETS - CLERK read an ordinance, introduced by Cyndi Lamm, an ordinance creating Alley Repaving District No. 50, defining the limits thereof, establishing the width of the alley to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances or parts of ordinances in conflict herewith, the third time.

LAMM Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20379**, is recorded in Ordinance Book 31.

RESOLUTIONS - 1ST READING

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE YANKEE HILL ROAD FROM 70TH STREET TO HIGHWAY 2 AND TO ACCEPT THE OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THE AREA.

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF FOUR NEIGHBORHOOD PARK PLAYGROUNDS (IRVINGDALE, EASTERDAY, CRIPPLE CREEK, AND SEACREST PARKS).

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND VWR FUNDING INC. DBA VWR INTERNATIONAL, LLC FOR LABORATORY EQUIPMENT AND SUPPLIES, PURSUANT TO NASPO VALUEPOINT MASTER AGREEMENT MA 16000234-2, STATE OF NEBRASKA CONTRACT NO. 14488 OC, FOR A TERM EFFECTIVE UPON THE CITY’S EXECUTION OF THIS CONTRACT THROUGH MARCH 31, 2019 IN THE AMOUNT OF \$37,500.00. (*CONSENT*)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16-30, 2016.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

STREET NAME CHANGE 16001 - RENAMING A PORTION OF PINE LAKE ROAD GENERALLY LOCATED EAST OF THE INTERSECTION OF SOUTH 75TH STREET AND PINE LAKE ROAD TO ARCHER LANE - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance changing the name of a portion of Pine Lake Road generally located east of the intersection of South 75th Street and Pine Lake Road to Archer lane as recommended by the Street Name Committee, the first time.

CHANGE OF ZONE 16025 - APPLICATION OF JANE K. BAUER FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 60TH STREET AND WITTSTRUCK ROAD - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance amending the Lincoln Zoning District adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

OPEN MICROPHONE

Gary Aldridge, 7112 S. 45th, came forward and shared his concern about a public walkway that needs to be further repaired.
This matter was taken under advisement.

ADJOURNMENT

4:17 P.M.

CAMP Moved to adjourn the City Council Meeting of October 17, 2016.
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa J. Meier, City Clerk

Monet J. McCullen, Office Specialist

